

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOSHUA WILSON, *et al*

Plaintiffs

v.

LLOYD AUSTIN, III, *et al.*,

Defendants

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Case No. 4:22-cv-438-ALM

**PLAINTIFFS' RESPONSE TO
COURT'S ORDER TO SHOW
CAUSE (ECF 35); UNOPPOSED
MOTION TO WITHDRAW PI
MOTION (ECF 9)**

**PLAINTIFFS' RESPONSE TO COURT'S SHOW CAUSE ORDER/
MOTION TO WITHDRAW PI MOTION**

In light of the Court's Order (ECF 35), including the significantly changed landscape noted therein since the filing of the Plaintiffs' Motion for Preliminary Injunction (ECF 9), Plaintiffs' counsel Move the Court to allow Plaintiffs to Withdraw the Motion. Defendants' counsel do not oppose the Motion.

By separate filing, Plaintiffs' and Defendants' counsel, having met and conferred, will submit to the Court a proposed briefing schedule for a Motion to Dismiss by Defendants and Response or Amendment under Rule 15 by Plaintiffs. This should clarify and narrow the issues that remain to be considered by the Court for disposition in light of the Mandate's Rescission.

Counsel has enclosed a proposed order for the Court.

Dated: Feb. 17, 2023

Respectfully submitted,

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Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

This 17th day of February, 2023, the foregoing Plaintiffs' Motion was e-filed using the CM/ECF system.

/s/ Dale Saran
Dale Saran

CERTIFICATE OF CONFERENCE

Counsel complied with the meet and confer requirement in Local Rule CV-7(h) and discussed the withdrawal of the prior motion. Government counsel indicated no objection to the withdrawal of the Motion.

/s/ Dale Saran
Dale Saran